HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI

AND

HON'BLE SRI JUSTICE G. BHAVANI PRASAD

Writ Appeal No. 1850 of 2005

Between:

B. Nagamani

…Appellant.

And

The District Collector, Kurnool,

Kurnool District and another.

…Respondents.

:: ORDER::

Counsel for the appellant : Sri Y.S. Venkat Rao

Counsel for respondent Nos.1&2 : G.P. for Revenue

February 2, 2006

Per G.S. Singhvi, CJ.

This appeal is directed against order dated 8.8.2005 passed by the learned Single Judge whereby he refused to interfere with endorsement No.614/05 dated 27.7.2005 made by Mandal Revenue Officer, Srisailam at Sunnipenta, Kurnool District on the appellant's representation that she should get settled the dispute regarding legal heirship of her husband late Sri Chalapathi Rao.

The appellant's husband, who was employed as Surveyor in Dam Maintenance Division, Srisailam Project, died on 17.12.2004. Immediately thereafter, she applied for appointment on compassionate grounds and also claimed monetary benefits in lieu of the services rendered by him. Smt. B. Yogamma, mother of late Sri Chalapathi Rao, appears to have represented to the authorities of the department claiming that she was entitled to receive half share of the monetary benefits in lieu of the service rendered by her son. On receipt of her representation, the Mandal Revenue Officer recorded an endorsement that the claim of the appellant cannot be entertained. The same reads as under:

> "You had submitted a representation requesting to issue Legal Heir Certificate, since your husband has expired. However, your mother-in-law by name Smt. B. Yogamma M/o.Late Chalapathi Rao got issued a Legal Notice to our office through Advocate requesting not to issue Legal Heir Certificate to you. Therefore, you are hereby informed to settle your dispute in the Civil Court."

The appellant challenged the indirect rejection of her claim for compassionate appointment and grant of monetary benefits by filing writ petition under Article 226 of the Constitution of India, which was registered as W.P.No.16891 of 2005. The learned Single Judge dismissed the writ petition filed by the appellant by observing that the dispute of heirship between her and her mother-in-law can be adjudicated only by a Civil Court and that no illegality was committed by the Mandal Revenue Officer by refusing to entertain her claim.

Learned counsel for the appellant says that his client will feel satisfied if a direction is issued to the official respondents to consider her claim for compassionate appointment. As regards her remaining claim, learned counsel submitted that she would pursue remedy before an appropriate Civil Court.

Learned Government Pleader for Revenue says that the official

respondents will have no objection to the consideration of the appellant's claim for compassionate appointment in accordance with relevant rules and instructions.

In view of the submissions made by the learned counsel for the parties, the appeal is disposed of with the direction that within one month from today the competent authority shall consider the appellant's claim for compassionate appointment in accordance with relevant rules and instructions and pass appropriate order. If the concerned authority comes to the conclusion that the appellant is not eligible and/or entitled to be appointed on compassionate ground, then a reasoned order be passed and communicated to the appellant at the end of one month's period.

G.S. SINGHVI, C.J.

G. BHAVANI PRASAD, J.

February 2, 2006.

MVB / svs